

Freeborn & Peters LLP

February 4, 2004

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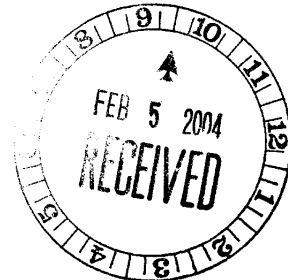
VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

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FEB - 5 2004

TRANSPORTATION BOARD



Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 407X); The Burlington Northern and Santa Fe Railway Company Abandonment in Seattle, Washington

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@freebornpeters.com

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$2,800.00, covering the filing fee.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior – National Park Service, Recreation and Conservation Assistance Program; the U. S. Department of the Interior – National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; Washington Utilities and Transportation Commission; the Washington State Transportation Commission; and the Chief of Forest Service, U. S. Department of Agriculture).

Sincerely,

Brian Nettles

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Public Record

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Enclosures

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TRANSPORTATION BOARD

Chicago

Springfield

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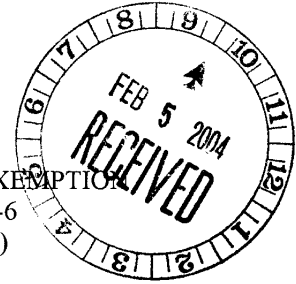
FEB - 5 2004

BEFORE THE

**SURFACE
TRANSPORTATION BOARD** **SURFACE TRANSPORTATION BOARD**

Abandonment of a line of Railroad
Between BNSF Engineering Station 87 + 62
And Engineering Station 84 + 26 in
Seattle, King County, Washington

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 407X)



TO THE SURFACE TRANSPORTATION BOARD:

The Burlington Northern and Santa Fe Railway (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, King County, Washington, a total distance of 336 feet, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

March 26, 2004

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- II. Certification required in 49 C.F.R. § 1152.50(b)

**SURFACE
TRANSPORTATION BOARD**

The attached Certification of Michael Smith certifies that no

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formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

- III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of Seattle, Washington line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Seattle, Washington line traverses United States Postal Service Zip code 98104.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

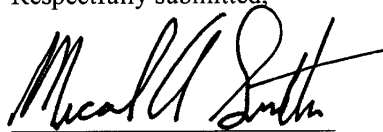
The right of way may be suitable for use for other public purposes such as a light rail corridor. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

- V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", with a horizontal line underneath it.

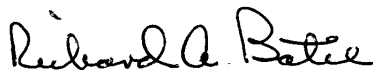
Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: February 4, 2004

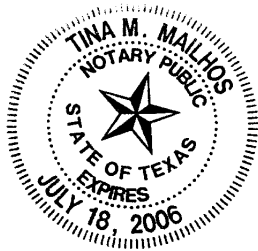
VERIFICATION

STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batic makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 407X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.


Richard A. Batic
Manager, Shortline Development

Subscribed and sworn to before me the 3rd day of February, 2004.




Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub No. 407X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Washington Public Utilities Commission; the Washington Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on January 15, 2004; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on January 15, 2004; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on January 15, 2004; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on January 21, 2004 in the Seattle Times, affidavit of publication is attached.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: February 4, 2004

Affidavit of Publication

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State of Washington.
Counties of King and Snohomish.

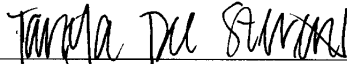
Daniel S. O'Neal being duly sworn, says that he/she is the Authorized Agent of Seattle Times Company, publisher of The Seattle Times and representing the Seattle Post-Intelligencer, separate newspapers published daily in King and Snohomish Counties, State of Washington; that they are newspapers of general circulation in said Counties and State; that they have been approved as legal newspapers by orders of the Superior Court of King and Snohomish Counties; that the annexed, being a classified advertisement, was published in:

Newspaper	Publication Date
The Seattle Times	01/21/04
The Seattle Post-Intelligencer	01/21/04

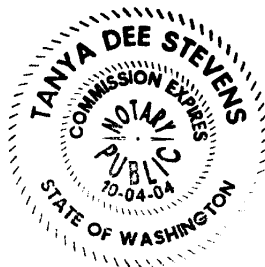
And not in a supplement thereof, and is a true copy of the notice as it was printed and/or distributed in the regular and entire issue of said paper or papers during all of said period, and that said newspaper or newspapers were regularly distributed to its subscribers during all of said period.



Subscribed and sworn to before me this 23rd day of January, 2004



Notary Public in and for the State of Washington residing at Seattle



NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after February 5, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502(a) and 49 C.F.R. § 11121, et seq., from the requirements of 49 U.S.C. 10903, for abandonment permitting the abandonment of 336 feet of railroad line between Engineering Station 87 + 02 and Engineering Station 84 + 26 in Seattle, King County, Washington, which line segment traverses through United States Postal Zip Code 98104. The proceeding will be docketed as No. AB-6 (Sub No. 407X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analyses, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between Engineering Station 87 + 62 and
Engineering Station 84 + 26 in
Seattle, Washington

Docket No. AB-6
(Sub No. 407X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, King County, Washington, total distance of 336 feet.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with local and/or regional planning agencies. The Metropolitan King County Council was notified by letter dated November 21, 2003. See Exhibit B. As of the date of this report, The Metropolitan King County Council has not responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The site is located in an urban development and will have no effect on any prime agricultural farmlands. See Exhibit C, letter from the Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

The Washington Department of Ecology does not require Coastal Zone Management Review under Washington's Coastal Zone Management Program. See Exhibit D, letter from the Washington Department of Ecology.

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The right of way may be suitable for a light rail corridor following the abandonment. The Metropolitan King County Council was notified by letter dated November 21, 2003. See Exhibit B. As of the date of this report, The Metropolitan King County Council has not responded. BNSF will provide the Board copies of any response it may receive.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy

consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction

under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are no public or private crossings. During salvage operations on the line, if any may be required, precautions will be taken to

(*Salvelinus confluentus*), the marbled murrelet (*Brachyramphus marmoratus*) and the northern spotted owl (*Strix occidentalis caurina*) all occur in the county. The gray wolves (*Canis lupis*), grizzly bears (*Ursus arctos* + *U. a. horribilis*), the Canada lynx (*Lynx canadensis*), the marsh sandwort (*Arenaria paludicola*) and the golden paintbrush (*Castilleja levisecta*) may occur in the county. Critical habitat for the northern spotted owl and the marbled murrelet has been designated in King County. See Exhibit E, letter from the U.S. Fish and Wildlife Service.

The bald eagle is a state threatened species that has a breeding occurrence in the vicinity of the proposed abandonment. See Exhibit F, letter from the Washington Department of Fish and Wildlife. The Washington Department of Fish and Wildlife requests that any abandonment rail ties or other creosote-treated wood products should be removed from the project site and disposed of at an approved upland disposal site due to toxicity effects that treated wood products, especially creosote, have on fish and wildlife. See Exhibit G, e-mail from the Washington Department of Fish and Wildlife.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF believes the proposed project will have no conflict with any state park or recreation area. The Bureau of Land Management and the Washington State Parks and Recreation Commission were notified by letters dated November 21, 2003. See Exhibits H and I. As of the date of

this report, neither has not responded. BNSF will provide the Board copies of any response it may receive.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The Washington Department of Ecology does not require a stormwater permit. See Exhibit J, letter from the Washington Department of Ecology.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

BNSF believes that permits under 404 of the Clean Water Act are not required for the proposed exemption. The Army Corps of Engineers has been notified by letter dated November 21, 2003. See Exhibit K. As of the date of this report, the Army Corps of Engineers has not responded. BNSF will provide the Board copies of any response it may receive. BNSF believes the proposed exemption will not affect the 100-year floodplain. The proposed abandonment is not located within the 100-year floodplain. It is in an area determined to be outside the 500-year floodplain. See Exhibit L, letter from the City of Seattle.

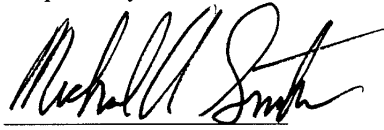
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

Permits under 402 of the Clean Water Act are not required for the proposed exemption. A construction storm water permit is not required for any construction site that disturbs less than acres of total land area. See Exhibit J, Letter from the Washington Department of Ecology. In this instance, approximately 0.231 acres may be disturbed.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: February 4, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between Engineering Station 87 + 62 and
Engineering Station 84 + 26 in
Seattle, Washington

Docket No. AB-6
(Sub No. 407X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The
Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the
Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting
the Board's environmental and historical assessment regarding BNSF's Notice of
Exemption to abandon its line of railroad between Engineering Station 87 + 62 and
Engineering Station 84 + 26 in Seattle, Washington, a total distance of 336 feet.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently
detailed to show buildings and other structures in the vicinity of the proposed action)
showing the location of the proposed action, and the locations and approximate
dimensions of the railroad structures that are 50 years old or older and are part of the
proposed action;

One copy of a U.S.G.S. Topographical map has been provided to State of
Washington Office of Archeology and Historic Preservation and one copy is being
provided to the Surface Transportation Board's Section of the Environmental Analysis
upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to
the extent known) and the topography and urban and/or rural characteristics of the
surrounding area:

The Seattle - Airport Way, Washington proposed abandonment is entirely located within the city of Seattle. The 2000 population for the city of Seattle is 563,374. Seattle is a major metropolitan city and has surrounding towns and cities that make it one of the larger metropolitan areas of the country.

The land adjacent to the right of way on the south side of the line is light industrial in nature. The right of way adjacent to the right of way on the north side of the right of way consists of Interstate 5, a major north-south freeway which runs up and down the west coast. The rail line corridor is 30 feet in width.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or structures 50 years old or older on the property or in the immediately surrounding area.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by the Northern Pacific Railway (NP) in 1905. In 1970 the NP merged with other railroads to become part of the Burlington Northern Railroad (BN). In 1995 BN merged with The Atchison Topeka and Santa Fe Railway (ATSF) to become The Burlington Northern and Santa Fe Railway (BNSF).

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

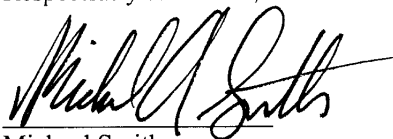
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF is not aware of any unique sites or structures with significant historical associations. No historic properties will be affected by the current project as proposed. See Exhibit M, letter from the Washington Office of Archeology and Historic Preservation.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", with a long horizontal flourish extending to the right.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: February 4, 2004

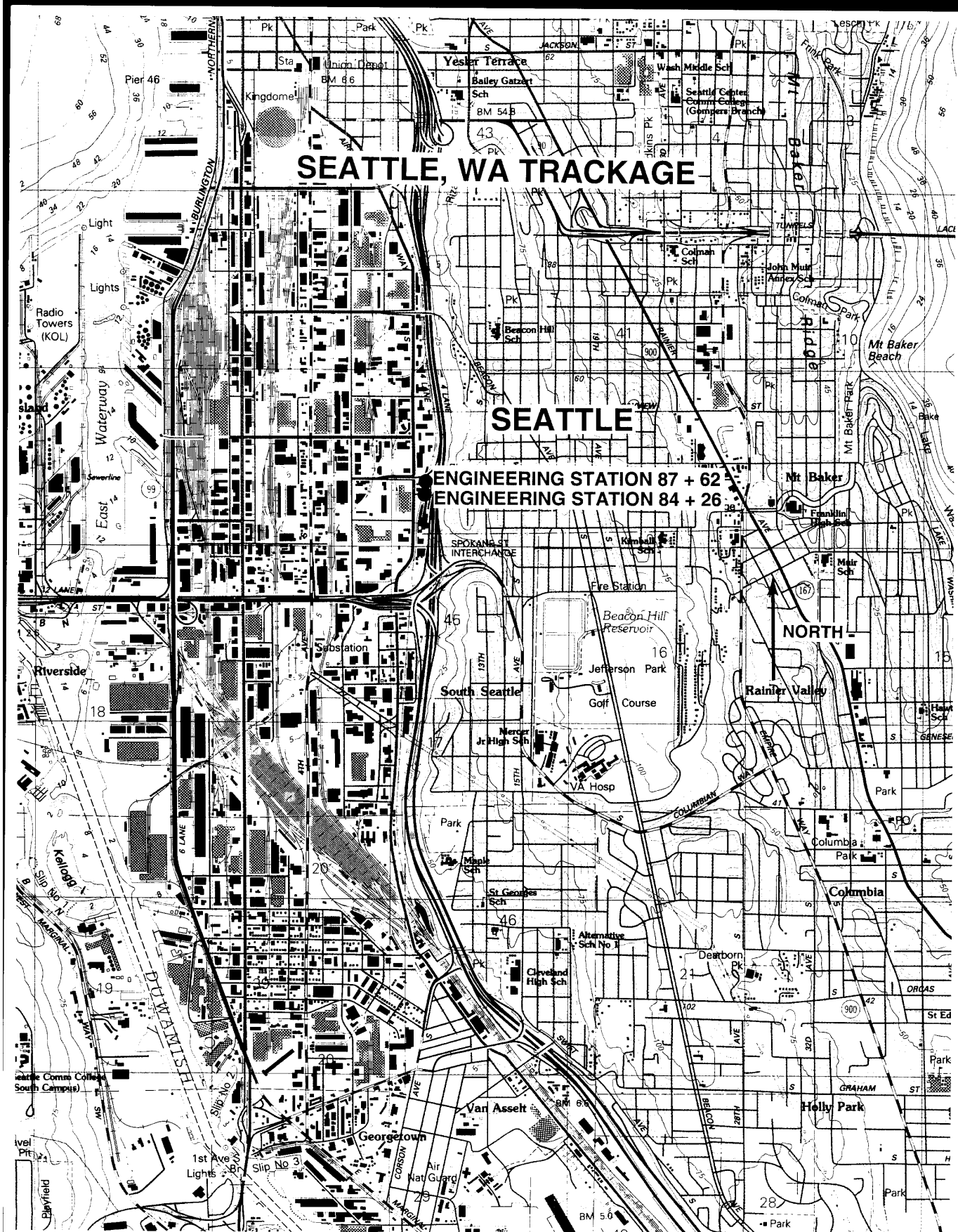
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SEATTLE, WA TRACKAGE

SEATTLE

ENGINEERING STATION 87 + 62
ENGINEERING STATION 84 + 26

NORTH



B

Freeborn & Peters LLP

November 21, 2003

Metropolitan King County Council
King County Courthouse
516 Third Avenue, Room 1200
Seattle, WA 98104-3272

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of the Seattle, Washington Trackage***

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 336 feet of railroad line between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, Washington.

As part of the environmental report BNSF needs to know whether or not the abandoned right-of-way is suitable for alternative public use such as a recreational trail and if so, why.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information **as soon as possible**. For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Chicago

Springfield

c

United States Department of Agriculture



Natural Resources Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372
(253) 845-9272, Fax (253) 845-4569

December 5, 2003

Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment
of the Seattle, Washington Trackage

Dear Mr. Nettles:

As per your letter dated November 21, 2003, I have reviewed the area of the proposed railroad line abandonment. The site is located in an area that is in urban development. The proposed abandonment will have no effect on any prime agricultural farmlands.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in cursive script, appearing to read "Charles Natsuhara".

Charles Natsuhara
Area Resource Soil Scientist

D



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 26, 2003

Brian Nettles
Freeborn & Peters LLP
311 S Wacker Drive
Suite 3000
Chicago IL 60606-6677

Dear Mr. Nettles:

Re: Burlington Northern and Santa Fe Railway Company Abandonment of the Seattle,
Washington Trackage

The Department of Ecology has received your letter dated November 21, 2003 describing the removal of track materials and abandonment of 336 feet of railroad line in Seattle, Washington. Abandonment does not require Coastal Zone Management review under Washington's Coastal Zone Management Program (WCZMP) and in this instance the track removal does not trigger any enforceable policies listed in WCZMP. Therefore, your project meets WCZMP.

If you have any questions please call Alice Kelly of my staff at (425) 649-7145.

Sincerely,

A handwritten signature in cursive script, reading "Jeannie Summerhays".

Jeannie Summerhays
Section Manager
Shorelands and Environmental Assistance Program

JS:ak

cc: Linda Rankin, Ecology



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State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

Date: DEC 15 2003

Dear Habitats and Species Requester:

Enclosed are the habitats and species products you requested from the Washington Department of Fish and Wildlife (WDFW). This package may also contain documentation to help you understand and use these products.

These products only include information that WDFW maintains in a computer database. They are not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife, nor are they designed to provide you with guidance on interpreting this information and determining how to proceed in consideration of fish and wildlife. These products only document the location of important fish and wildlife resources to the best of our knowledge. It is important to note that habitats or species may occur on the ground in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site-specific surveys are frequently necessary to rule out the presence of priority habitats or species.

Your project may require further field inspection or you may need to contact our field biologists or others in WDFW to assist you in interpreting and applying this information. Generally, for assistance on a specific project, you should contact the WDFW Habitat Program Manager for your county and ask for the area habitat biologist for your project area. Refer to the enclosed directory for those contacts.

Please note that sections potentially impacted by spotted owl management concerns are displayed on the 1:24,000 scale standard map products. If specific details on spotted owl site centers are required they must be requested separately.

These products are designed for users external to the forest practice permit process and as such, does not reflect all the information pertinent to forest practice review. The Forest Practice Rules adopted August 22, 1997 by the Forest Practice Board and administered by the Washington Department of Natural Resources require forest practice applications to be screened against marbled murrelet detection areas and detection sections. Marbled murrelet detection locations are included in the standard priority habitats and species products, but the detection areas and detection sections are not included. If your project is affected by Forest Practice Regulations, you should specially request murrelet detection areas.

WDFW updates this information as additional data become available. Because fish and wildlife species are mobile and because habitats and species information changes, project reviews for fish and wildlife should not rest solely on mapped information. Instead, they should also consider new information gathered from current field investigations. Remember, habitats and species information can only show that a species or habitat type is present, they cannot show that a species or habitat type is not present. These products should not be used for future projects. Please obtain updates rather than use outdated information.

Because of the high volume of requests for information that WDFW receives, we need to charge for these products to recover some of our costs. Enclosed is an invoice itemizing the costs for your request and instructions for submitting payment.

Please note that sensitive information (e.g., threatened and/or endangered species) may be included in this request. These species are vulnerable to disturbances and harassment. In order to protect the viability of these species we request that you not disseminate the information as to their whereabouts. Please refer to these species presence in general terms. For example: "A Peregrine Falcon is located within two miles of the project area".

If your request required a Sensitive Fish and Wildlife Information Release Agreement and you or your organization has one on file, please refer to that document for conditions regarding release of this information.

For more information on WDFW you may visit our web site at <http://www.wa.gov/wdfw> or visit the Priority Habitats and Species site at <http://www.wa.gov/wdfw/hab/phspage.htm>.

For information on the state's endangered, threatened, and sensitive plants as well as high quality wetland and terrestrial ecosystems, please contact the Washington Department of Natural Resources, Natural Heritage Program at PO Box 47014, Olympia Washington 98504-7014, by phone (360) 902-1667 or visit the web site at <http://www.wa.gov/dnr/htdocs/fr/nhp/wanhp.html>.

If you have any questions or problems with the information you received please call me at (360) 902-2543 or fax (360) 902-2946.

Sincerely,



Lori Guggenmos, GIS Programmer
Priority Habitats and Species

Enclosures

**WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
REGIONAL HABITAT PROGRAM MANAGER CONTACTS**

For assistance with Priority Habitats and Species Information contact a regional habitat program manger and they will direct your questions to a biologist.

County project is in...

Contact...

Asotin, Columbia, Ferry, Garfield Lincoln,
Pend Oreille, Spokane, Stevens, Walla Walla,
Whitman

Kevin Robinette
8702 North Division Street
Spokane, WA 99218-1199
Phone: (509) 456-4082

Adams, Chelan, Douglas, Grant, Okanogan

Tracy Lloyd
1550 Alder Street NW
Ephrata, WA 98823-9699
Phone: (509) 754-4624

Benton, Franklin, Kittitas, Yakima

Ted Clausing
1701 24th Avenue
Yakima, WA 98902-5720
Phone: (509) 575-2740

Island, King, San Juan, Skagit, Snohomish,
Whatcom

Deborah Cornett
16018 Mill Creek Blvd.
Mill Creek, WA 98012-1296
Phone: (425) 775-1311

Clark, Cowlitz, Klickitat, Lewis, Skamania,
Wahkiakum

Steve Manlow
2108 Grand Blvd.
Vancouver, WA 98661
Phone: (360) 696-6211

Clallam, Grays Harbor, Jefferson, Kitsap, Mason,
Pacific, Pierce, Thurston

Steve Kalinowski
48 Devonshire Road
Montesano, WA 98563-9618
Phone: (360) 249-4628

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WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - HABITATS AND SPECIES REPORT
IN THE VICINITY OF T24R04E SECTION 17
Report Date: December 15, 2003

Information About Sensitive Habitats And Species

This report and the accompanying map contains the following species and/or habitat locations that are deemed sensitive by the Washington Department of Fish and Wildlife under its Releasing Sensitive Fish and Wildlife Policy - 5210. Please refer to this policy for conditions regarding the use of this information. The policy is available by contacting the Priority Habitats and Species Section at (360)902-2543.

This report and the accompanying map are not for general distribution. Washington State Law (RCW 42.17.310) exempts Sensitive Fish and Wildlife information from public inspection and copying.

PHS Code	Common Name	Species Use	Species Use Description
FAPE	PEREGRINE FALCON	E	EYRIE

Information About Priority Habitats and Species Polygons

Priority Habitats and Species (PHS) polygons are labeled with a unique number and "+" symbol, roughly in the center of the polygon on the map. This PHS Poly number refers to a list of form numbers and species and habitat codes contained in the PHS Polygon Cross Reference Report (listed below). The form numbers refer to the attached PHS Polygon Report. This report details each species or habitat depicted as a polygon on the map. For a complete description of the codes used in this report please refer to the Fish and Wildlife Map Products document. This document may be viewed on our web site at <http://www.wa.gov/wdfw/hab/release.htm>.

Priority Habitats and Species Polygon - Summary Habitat and Species List:

This report and the accompanying maps may contain some species or habitats that are not considered priority by the agency. YES under the "PHS" column in the table below indicates that the species is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List. NO under the "PHS" column indicates the species/habitat is not considered an agency priority.

State	PHS	Status	PHS Code	Common Name	Species Use	Species Use Description
	YES		ESTUR	ESTURINE ZONE		
	YES	ST	HALE	BALD EAGLE	B	BREEDING OCCURRENCE
	YES		UNOS	URBAN NATURAL OPEN SPACE		
	YES		WET	WETLANDS		
	YES		ZACA	CALIFORNIA SEA LION	HO	HAULOUT

Priority Habitats and Species Polygon Cross Reference Report:

Form number 900000 indicates presence of PHS is unknown or the area was not mapped. Form numbers 909998, 909997, or 909996 indicate compilation errors.

PHS Poly#	Form#	PHS Code*Species Use
2	904754	ESTUR*-
3	904461-904754	ZACA*HO-ESTUR*-
4	904754	ESTUR*-
5	900000	*-
6	902036	UNOS*-
7	904461	ZACA*HO-
8	900000	*-
9	904461	ZACA*HO-
10	904754	ESTUR*-
11	904461-904754	ZACA*HO-ESTUR*-
12	904461-904754	ZACA*HO-ESTUR*-
13	901982	HALE*B-
14	901982-902030	HALE*B-UNOS*-
15	902036	UNOS*-
16	902040	UNOS*-
17	904754	ESTUR*-
18	900000	*-
19	902036	UNOS*-
20	902040	UNOS*-
21	902027	UNOS*-
22	902040	UNOS*-
23	903606-904754	WET*-ESTUR*-
24	902030	UNOS*-
25	902027-902030	UNOS*-UNOS*-
26	900000	*-
27	902030	UNOS*-
28	902036	UNOS*-

Information About Wildlife Heritage Point Report

Wildlife Heritage points on the map can be referenced to this report by noting the quadpt number where the point occurs on the map, and then looking up the information listed below. This report is sorted by the quadpt number and provides details on each species depicted on the map. For a complete description of the codes used in this report, please refer to the Fish and Wildlife Map Products document. This document may be viewed on our web site at <http://www.wa.gov/wdfw/hab/release.htm>.

Wildlife Heritage Point - Summary Species List:

This report and the accompanying maps may contain some species or habitats that are not considered priority by the agency. YES under the "PHS" column in the table below indicates that the species is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List. NO under the "PHS" column indicates the species/habitat is not considered an agency priority.

PHS	State Status	Species Code	Common Name	Species Use	Species Use Description
YES	SM	ARHE	GREAT BLUE HERON	B	BREEDING OCCURRENCE
YES	SS	FAPE	PEREGRINE FALCON	E	EYRIE
YES	ST	HALE	BALD EAGLE	B	BREEDING OCCURRENCE
NO	SM	PAHA	OSPREY	B	BREEDING OCCURRENCE

Wildlife Heritage Point Report:

Quadpt#: 4712253005 Species Code: ARHE Species Use: B Common Name: GREAT BLUE HERON
Year: 1993 Class: SA Accuracy: C Scientific Name: ARDEA HERODIAS
State Status: SM Federal Status: Priority: YES WDFW Region: 4
Township - Range - Section: T24N R04E S18 Occurrence#: 143 Sequence#: 1
General Description: GREAT BLUE HERON COLONY SINCE 1940'S. 13-16 ACT-84; ABANDONED-87; BIRDS SPREAD OVER A LARGE AREA. 1988-1993 ACTIVE. 11 ACTIVE NESTS-92; 20 NESTS-93; PRESUMED ACTIVE-94.; REP. ACTIVE, FAILED 99, UNOCC 2000 PG 2000064

Quadpt#: 4712253011 Species Code: PAHA Species Use: B Common Name: OSPREY
Year: 2002 Class: SA Accuracy: C Scientific Name: PANDION HALIAETUS
State Status: SM Federal Status: Priority: NO WDFW Region: 4
Township - Range - Section: T24N R04E S18 SEOFSE Occurrence#: 989 Sequence#: 1
General Description: OSPREY NEST ON TOP OF UTILITY POLE WHICH SEVERAL FLOOD LIGHTS ARE ATTACHED. POLE IS LOCATED IN THE YARD OF CROWLEY MARINE AT 4620 W MARGINAL WAY, SEATTLE.

Quadpt#: 4712253015 Species Code: FAPE Species Use: E Common Name: PEREGRINE FALCON
Year: 2003 Class: SA Accuracy: C Scientific Name: FALCO PEREGRINUS
State Status: SS Federal Status: FCo Priority: YES WDFW Region: 4
Township - Range - Section: T24N R03E S13 SEOFNE Occurrence#: 97 Sequence#: 1
General Description: PEREGRINE FALCON EYRIE ON WEST SEATTLE BRIDGE SUPPORT ON MAINLAND, WEST SIDE OF HARBOR ISLAND. NEST BOX IS ON BRIDGE SUPPORT UNDER HIGH BRIDGE, NEXT TO CATWALK PLATFORM, UNDER BRIDGE DECK. 2002 - FEMALE INJURED AT SAFECO FIELD, NOW AT ZOO.

Quadpt#: 4712253017 Species Code: PAHA Species Use: B Common Name: OSPREY
Year: 2001 Class: SA Accuracy: C Scientific Name: PANDION HALIAETUS
State Status: SM Federal Status: Priority: NO WDFW Region: 4
Township - Range - Section: T24N R04E S07 SWOFSE Occurrence#: 1125 Sequence#: 1
General Description: OSPREY NEST ON LIGHT POLE SOUTH OF POLE TOWER 9, AT SW HANFORD ST & 11TH AVE SW. LIGHT POLE IS TO BE MOVED DUE TO PORT CONSTRUCTION, OSPREY NEST WILL BE MOVED FALL 2000. 2003 - NEST IS ON LIGHT POLE 9. CHECK AT GATE 4 FOR ESCORT.

Quadpt#: 4712253021 Species Code: HALE Species Use: B Common Name: BALD EAGLE
Year: 2002 Class: SA Accuracy: C Scientific Name: HALIAETUS LEUCOCEPHALUS
State Status: ST Federal Status: FT Priority: YES WDFW Region: 4
Township - Range - Section: T24N R03E S13 NEOFSE Occurrence#: 1402 Sequence#: 1
General Description: BALD EAGLE NEST IN LARGE COTTONWOOD ABOUT HALFWAY UP HILLSIDE BEHIND 4201 W MARGINAL WAY SW.

Quadpt#: 4712253022 Species Code: PAHA Species Use: B Common Name: OSPREY
Year: 2002 Class: SA Accuracy: C Scientific Name: PANDION HALIAETUS
State Status: SM Federal Status: Priority: NO WDFW Region: 4
Township - Range - Section: T24N R04E S30 NWOFNE Occurrence#: 1168 Sequence#: 1
General Description: OSPREY NEST ON LIGHT POLE N. OF 1ST AVE. BRIDGE, N. OF GLACIER CONCRETE, W. SIDE OF DUWAMISH RIVER AT TERMINAL 115. 2003 - NEST S. OF GLACIER CONCRETE AND CAN BE VIEWED FROM LONGSHORE PARKING AREA. ENTER FROM TERM 115. NOT SURE IF NEW NEST.

Quadpt#: 4712253025 Species Code: ARHE Species Use: B Common Name: GREAT BLUE HERON
Year: 2003 Class: SA Accuracy: C Scientific Name: ARDEA HERODIAS
State Status: SM Federal Status: Priority: YES WDFW Region: 4
Township - Range - Section: T24N R03E S13 NEOFSE Occurrence#: 143 Sequence#: 2
General Description: GREAT BLUE HERON NEST IN TREE ABOVE HOUSE AT 4201 16TH AVE SW. BEST VIEW IS FROM PARKING LOG OFF W MARGINAL WAY. NEST DIFFICULT TO SEE WITH LEAF-OUT. GPS NAD83 47 33.966 122 21.302.

Codes Used In Wildlife Heritage Point Report

Quadpt# : Unique sequential number for a point based on a US Geological 7.5-minute quadrangle.

Species Code : Code which identifies the species. List of codes are available in the documentation.

Species Use : Criteria that identifies how the area is used by the indicated species. List of codes are available in the documentation.

Common Name : Common name of the species.

Year : Year of the observation.

Class : Code that separates animals into general groups.

AA = Artificial animal (e.g., nest platforms).

GA = Game animal.

SA = Special animal (e.g., state listed and monitor species).

Accuracy : Mapping accuracy.

C = Accurate to within 1/4 mile radius and confirmed by a reliable source.
U = Accurate to within 1/4 mile radius and unconfirmed by a reliable source.

Scientific Name : Scientific name of the species.

State Status : State listing status.

SE = State endangered. SC = State candidate.
ST = State threatened. SM = State monitor.
SS = State sensitive.

Federal Status : Federal listing status.

FE = Federal endangered. FC = Federal candidate.
FT = Federal threatened. FCo = Federal concern.

Priority : Species and habitats that are considered to be priorities for conservation and management by Washington Department of Fish and Wildlife (WDFW). For a copy of the most current Priority Habitats and Species List contact WDFW PHS Section at (360)902-2543, or it is available on our web site at <http://www.wa.gov/hab/wdfw/hab/phspage.htm>.
YES = Indicates that the species is considered a WDFW priority and is on the Priority Habitat and Species List and/or Species of Concern List.

NO = Indicates that the species is not a WDFW priority.

WDFW Region : This contains the WDFW administrative region number 1-6.

Township - Range - Section : The legal description of the species occurrence.

Occurrence# : An ascension catalog number that combined with sequence number identifies a unique record within a species.

Sequence# : Occurrences with multiple locations of a species.

General Description : Description of location of species.

Priority Habitats and Species Polygon Report

Form#: 901982 PHS Code: HALE Species Use: B Common Name: BALD EAGLE
Season: WSU Definition: 4 Accuracy: 1 Scientific Name: HALIAEETUS LEUCOCEPHALUS
State Status: ST Federal Status: FT Priority: YES Site Name: SEWARD PARK BALD EAGLE NEST TERRITORY
General Description: BALD EAGLE TERRITORY DISCOVERED IN 1981.
VERY PRODUCTIVE. TERRITORY ACTIVE IN 1996.

Source: NEGRI, STEVE WDFW
Source Date: 061798 Source Code: PROF
Synopsis: MAP EDIT: CHANGE TERRITORY BOUNDARY AS A RESULT OF DISCOVERY OF AN ADDITIONAL
TERRITORY IN SOUTH SEWARD PARK.

Source: THOMPSON, PATRICIA WDFW
Source Date: 96 Source Code: PROF
Synopsis: MAP EDIT. UPDATE TO TERRITORY BOUNDARY.

Source: WATSON, JIM, WDW 1990 PERSONAL OBSERVATIONS.
Source Date: 06 90 Source Code: NEST
Synopsis: BREEDING SURVEYS, GROUND OBSERVATIONS, ONLY CORE PORTION OF TERRITORY IDENTIFIED

Form#: 902027 PHS Code: UNOS Species Use: Common Name: URBAN NATURAL OPEN SPACE
Season: Definition: 4 Accuracy: 1 Scientific Name:
State Status: Federal Status: Priority: YES Site Name: WEST SEATTLE HERON COLONY.
General Description: STEEP WOODED HILLSIDE. MIXED CONIFER/DECIDUOUS FOREST.

Source: PENLAND, STEVE; WDW; PERSONAL OBSERVATION.
Source Date: 05 89 Source Code: PROF
Synopsis: SITE VISIT TO DETERMINE NESTING VIABILITY.

Source: PENLAND, STEVE; WDW; PERSONAL OBSERVATION.
Source Date: 06 90 Source Code: PROF
Synopsis: SITE VISIT TO DETERMINE NESTING VIABILITY.

Form#: 902030 PHS Code: UNOS Species Use: Common Name: URBAN NATURAL OPEN SPACE
Season: Definition: 4 Accuracy: 1 Scientific Name:
State Status: Federal Status: Priority: YES Site Name: SEATTLE CITY PARKS (VARIOUS).
General Description: SEATTLE CITY PARKS.

Source: MULLER, TED; WDW; PERSONAL OBSERVATION.
Source Date: 91 Source Code: PROF
Synopsis: HAVE PERSONALLY VISITED MOST OF THE CITY PARKS OVER A 30 YEAR PERIOD.

Priority Habitats and Species Polygon Report

Form#: 902036 PHS Code: UNOS Species Use: Common Name: URBAN NATURAL OPEN SPACE
Season: Definition: 4 Accuracy: 1 Scientific Name:
State Status: Federal Status: Priority: YES Site Name: BEACON HILL I-5 ROW AND ADJACENT LAND.
General Description: STEEP WOODED HILLSIDE ON WEST SIDE OF BEACO HILL.

Source: FORESTER, BRET; DAVID EVANS & ASSOC.; PERSONAL OBSERVATION.
Source Date: 032891 Source Code: PROF
Synopsis: BIOLOGIST WITH CONSULTING FIRM CALLED REQUESTING STATUTORY AUTHORITY FOR HAWK NE
STS. HE CONFIRMED DISCOVERY OF ACTIVE REDTAIL NEST IN THIS AREA.

Source: MULLER, TED; WDW; PERSONAL OBSERVATION.
Source Date: 031091 Source Code: PROF
Synopsis: WITNESSED TWO RED-TAILED HAWKS IN WHAT APPEARED TO BE COURTSHIP FLIGHT.

Form#: 902040 PHS Code: UNOS Species Use: Common Name: URBAN NATURAL OPEN SPACE
Season: Definition: 4 Accuracy: 1 Scientific Name:
State Status: Federal Status: Priority: YES Site Name: JEFFERSON GOLF COURSE OPEN SPACES.
General Description: RELATIVELY SMALL FORESTED OPEN SPACES ON BEACON HILL.

Source: MULLER, TED WDW; PERSONAL OBSERVATION.
Source Date: 03 91 Source Code: GSMAP
Synopsis: PERSONAL OBSERVATION IS DATED. RELIED ON GSMAP & ORTHOPHOTO.

Form#: 903606 PHS Code: WET Species Use: Common Name: WETLANDS
Season: Definition: 4 Accuracy: 1 Scientific Name:
State Status: Federal Status: Priority: YES Site Name: REGION 4 SALTWATER WETLANDS.
General Description: PUGET SOUND COASTAL SALT MARSHES, SALT MEADOWS, AND BRACKISH MARSHES.

Source: MULLER, TED WDFW
Source Date: 05 93 Source Code: MAP
Synopsis: MAP EDIT. DELETE DUPLICATE REFERENCES.

Source: WASHINGTON STATE COASTAL ZONE ATLAS, D.O.E., 1979.
Source Date: 0579 Source Code: CZA
Synopsis: D.O.E. SPONSORED MAPPING OF COASTAL FEATURES.

Priority Habitats and Species Polygon Report

Form#: 904461 PHS Code: ZACA Species Use: HO Common Name: CALIFORNIA SEA LION
Season: WS F Definition: 0 Accuracy: 1 Scientific Name: ZALOPHUS CALIFORNIANUS
State Status: Federal Status: Priority: YES Site Name:
General Description: CALIFORNIA SEA LION

Source: STEVE, JEFFRIES, WDW
Source Date: 91 Source Code: PROF
Synopsis: AERIAL SURVEYS

Form#: 904754 PHS Code: ESTUR Species Use: Common Name: ESTURINE ZONE
Season: Definition: 0 Accuracy: 1 Scientific Name:
State Status: Federal Status: Priority: YES Site Name:
General Description: BAY/ESTUARY-COASTAL ZONE ATLAS CODE 54-MODERATELY PROTECTED MARINE EMBAYMENTS WITH FREE CONNECTIONS WITH THE OPEN SEA. BLUFFS, REACH SUBSTRATES MARSHES, EELGRASS BEDS, AND OTHER INTERTIDAL HABITATS ARE ASSOCIATED WITH IT.

Source: COASTAL ZONE ATLAS OF WASHINGTON. STATE OF WASHINGTON DEPT OF ECOLOGY.
Source Date: 78 Source Code: CZA
Synopsis:

Source: MOLENAAR, DAVE WDFW AREA HABITAT MARINE BIOLOGIST
Source Date: 05 00 Source Code: PROF
Synopsis: SITE VISITS TO WOLLOCHET BAY, ORO BAY, HENDERSON INLET, MAYO COVE, ROCKY BAY, VON GELDERN COVE, VAUGHN BAY, AND OTHERS.

Source: SCHIRATO, MARGIE WDFW AREA HABITAT BIOLOGIST
Source Date: 051500 Source Code: PROF
Synopsis: FIELD VISIT TO NORTH BAY.

Codes Used In Priority Habitat and Species Polygon Report

Form# : Unique number that links the information in the reports to features on the map.

PHS Code : Code that identifies the priority habitat or species. List of codes are available in the documentation.

Species Use : Criteria that identifies how the area is used by the indicated species. List of codes are available in the documentation.

Common Name : Common name of the species or habitat.

Season : Season of species use.

W = Winter use. S = Spring use.

U = Summer use. F = Fall use.

S = Severe winter use.

Definition : Identifies the definitions or criteria used to classify the area as a priority. List of codes are available in the documentation.

Accuracy : Mapping accuracy of the line delineation as determined by the mapper.

1 = Accurate within a 1/4 mile. 3 = Location known to within one mile.

2 = Accurate within a 1/2 mile. 4 = Location known to general locality only.

Scientific Name : Scientific name of the species.

State Status : State listing status.

SE = State endangered. SC = State candidate.

ST = State threatened. SM = State monitor.

SS = State sensitive.

Federal Status : Federal listing status.

FE = Federal endangered. FC = Federal candidate.

FT = Federal threatened. FCo = Federal concern.

Priority : Species and habitats that are considered to be priorities for conservation and management by Washington Department of Fish and Wildlife (WDFW). For a copy of the most current Priority Habitats and Species List contact WDFW PHS Section at (360)902-2543, or it is available on our web site at <http://www.wa.gov/hab/wdfw/hab/phspage.htm>.
YES = Indicates that the species is considered a WDFW priority and is on the Priority Habitat and Species List and/or Species of Concern List.
NO = Indicates that the species is not a WDFW priority.

Site Name : Name assigned to the area based generally on a local place name.

General Description : Description about the area, including how it is used and why it is important.

Source : Source of information; single or multiple sources may be cited.

Source Date : Date of source of information.

Source Code : Code identifying the source of information.

Synopsis : Brief narrative describing content of source of information.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
PRIORITY ANADROMOUS AND RESIDENT FISH PRESENCE REPORT FROM THE STREAMNET DATABASE
FOR TOWNSHIP T24R04E, SECTION 17
Report Date: December 15, 2003

Information About The Fish Presence Report

The fish information in this report only includes information that Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. This information only documents the location of important fish resources to the best of our knowledge. It is not a complete inventory of the fish species in the state. Fish are identified as priority by WDFW if they meet one of three criteria as listed in the Priority Habitats and Species List. The list is available by contacting WDFW Priority Habitats and Species section at (360)902-2543, or it is available on our web site at <http://www.wa.gov/wdfw/hab/phspage.htm>. To insure appropriate use of this information, users are encouraged to consult with WDFW biologists.

State status information is not available in the StreamNet database for these species. Please see WDFW Species of Concern List for current status. For a copy of this list, contact WDFW Endangered Species Section at (360)902-2515, or it is available on our web site at <http://www.wa.gov/wdfw/wlm/diversity/soc/soc.htm>.

Priority Anadromous Fish Presence:

Code	Common Name	Stream Name	Stream LLID	Record Date	Source
CHFA	Fall Chinook	Duwamish Waterway	1223588475856	05-21-97	C. Smith, WDFW
CHUM	Chum Salmon	Duwamish Waterway	1223588475856	07-07-97	R. Egan, WDFW
COHO	Coho Salmon	Duwamish Waterway	1223588475856	04-21-97	C. Boranski, WDFW
SOCK	Sockeye Salmon	Duwamish Waterway	1223588475856	07-07-97	R. Egan, WDFW
STSU	Summer Steelhead	Duwamish Waterway	1223588475856	06-17-97	P. Castle, WDFW
STWI	Winter Steelhead	Duwamish Waterway	1223588475856	01-18-97	T. Crop, WDFW

Priority Resident Fish Presence:

Code	Common Name	Stream Name	Stream LLID	Record Date	Source
DBT	Dolly Varden/Bull Trout	Duwamish Waterway	1223588475856	05-30-01	Jeff Chan, USFW

Code : WDFW alphanumeric code that identifies the fish species.

Common Name : Common name of the fish species.

Stream Name : Stream name based on the US Geological Survey, Geographic Names Information System database.

Stream LLID : Unique stream identifier (ID) generated from the node latitude and longitude located at a stream's mouth. This ID is to be construed only as an ID, and not necessarily as a reference to a stream's location.

Record Date : Date the information was entered into the StreamNet database.

Source : Name of the individual and/or organization that reviewed, edited, or provided the information.

SEABIRD COLONIES REPORT
From the CATALOG OF WASHINGTON SEABIRD COLONIES by Steven Speich et al., 1989
FOR TOWNSHIP T24R04E, SECTION 17

Information About The Seabird Colonies Report

The information in this report was taken from the Catalog of Washington Seabird Colonies by Steven M. Speich et al., published in 1989 by National Oceanic Atmospheric Administration (NOAA). Population numbers by species reflect counts of breeding individuals based upon the most recent or best estimates as indicated in the publication. If observations were not classed as most recent or best estimates at the time of the survey, then population numbers were not provided. Please note this information is dated. For more recent information, contact the Washington Department of Fish and Wildlife (WDFW) biologist for your project area.

State status information is not available in the seabird database for these species. Please see WDFW Species of Concern List for current status. For a copy of the list, contact WDFW Endangered Species Section at (360) 902-2515, or it is available on our web site at <http://www.wa.gov/wdfw/wlm/diversity/soc/soc.htm>.

Colony ID: 175020 NOAA Flag:1 Class of breeding species: 0
Colony Name: SEATTLE EAST WATERWAY

The following fields identify the number of breeding individuals by species for the colony:

Species	Population	Priority
Storm Petrel:	0	Yes
Fork Tailed Storm Petrel:	0	Yes
Leachs Storm Petrel:	0	Yes
Cormorant:	0	Yes
Double Crested Cormorant:	0	Yes
Brandts Cormorant:	0	Yes
Pelagic Cormorant:	0	Yes
Black Oystercatcher:	0	Yes
Ring Billed Gull:	0	No
Western Gull:	0	No
Glaucous Winged Gull:	22	No
Caspian Tern:	0	Yes
Arctic Tern:	0	Yes
Common Murre:	0	Yes
Pigeon Guillemot:	0	Yes
Cassins Auklet:	0	Yes
Rhinoceros Auklet:	0	Yes
Tufted Puffin:	0	Yes
Total Population:	22	

Colony ID: 175022 NOAA Flag:1 Class of breeding species: A
Colony Name: SEATTLE W. WATERWAY/HARBOR I.

The following fields identify the number of breeding individuals by species for the colony:

Species	Population	Priority
Storm Petrel:	0	Yes
Fork Tailed Storm Petrel:	0	Yes
Leachs Storm Petrel:	0	Yes
Cormorant:	0	Yes
Double Crested Cormorant:	0	Yes
Brandts Cormorant:	0	Yes
Pelagic Cormorant:	0	Yes
Black Oystercatcher:	0	Yes
Ring Billed Gull:	0	No
Western Gull:	0	No
Glaucous Winged Gull:	2	No
Caspian Tern:	0	Yes
Arctic Tern:	0	Yes
Common Murre:	0	Yes
Pigeon Guillemot:	1	Yes
Cassins Auklet:	0	Yes
Rhinoceros Auklet:	0	Yes
Tufted Puffin:	0	Yes
Total Population:	3	

Codes Used in the Seabird Colony Report

Colony ID : Colony number composed of area and site.

NOAA Flag : If equal to 1, indicates location is included in the NOAA seabird colony database.

Class of breeding species :

A = alcids (may include others)
AC = alcids and cormorants (may include others)
C = cormorants (may include others)
O = others (but not alcids or cormorants)
- = no breeding observed or no information

Colony name : Name of colony, only available where NOAA Flag = 1.

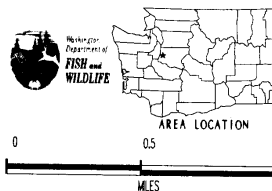
Species : Species common name.

Population : Number of breeding individuals by species.

Priority : Species and habitats that are considered to be priorities for conservation and management by Washington Department of Fish and Wildlife (WDFW). For a copy of the most current Priority Habitats and Species List, contact WDFW PHS Section at (360) 902-2543, or it is available on our web site at <http://www.wa.gov/wdfw/hab/phspage.htm>.

Yes = Indicates that the species is considered a WDFW priority and is on the Priority Habitat and Species List and/or Species of Concern List.

No = Indicates that the species is not a WDFW priority.





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 534-9331

DEC 16 2003

Dear Species List Requester:

We (U.S. Fish and Wildlife Service) are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities under section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us.

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

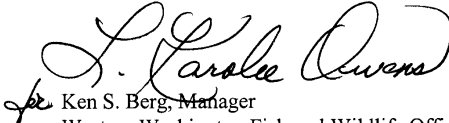
The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process.

Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

For other federally listed species that may occur in the vicinity of your project, contact the National Marine Fisheries Service (NOAA Fisheries) at (360) 753-9530 to request a list of species under their jurisdiction. For wetland permit requirements, contact the Seattle District of the U.S. Army Corps of Engineers for Federal permit requirements and the Washington State Department of Ecology for State permit requirements.

Thank you for your assistance in protecting listed threatened and endangered species and other species of Federal concern. If you have additional questions, please contact Tami Black at (360) 753-4322 or Kristine Dettlaff at (360) 753-9582.

Sincerely,


Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

Enclosure(s)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
Phone: (360) 753-9440 Fax: (360) 534-9331

SEP 3 2003

Dear Species List Requester:

Enclosed is a list of threatened and endangered species, species proposed for listing, candidate species, and species of concern within the western Washington county(s) for your proposed project. Due to our current workload and budget constraints, we are no longer providing site-specific species lists. For site-specific species information, please contact the Washington Department of Fish and Wildlife Priority Habitats and Species at (360) 902-2543 or access their website at <http://www.wa.gov/wdfw/hab/phspage.htm>, and the Washington Department of Natural Resources Natural Heritage Program at (360) 902-1667 or access their website at <http://www.dnr.wa.gov/nhp/>.

If you have any questions, please contact Tami Black at (360) 753-4322.

Sincerely,

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

Enclosure(s)

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
CRITICAL HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN
THAT MAY OCCUR IN WESTERN WASHINGTON**

**PREPARED BY
THE U.S. FISH AND WILDLIFE SERVICE
WESTERN WASHINGTON FISH AND WILDLIFE OFFICE**

(Revised September 30, 2003)

**FWS REF: 1-3-04-SP-0270
BURLINGTON NORTHERN & SANTA FE RAILWAY COMPANY ABANDONMENT
PROJECT**

KING COUNTY

LISTED

Wintering bald eagles (*Haliaeetus leucocephalus*) occur in the county. Wintering activities occur from October 31 through March 31.

There are five bald eagle winter communal night roosts located in the county.

There are two bald eagle winter concentration areas located in the county along the Skykomish-Beckler-Tye Rivers and Foss River.

There are 38 bald eagle nesting territories located in the county. Nesting activities occur from about January 1 through August 15.

Bull trout (*Salvelinus confluentus*) occur in the county.

Canada lynx (*Lynx canadensis*) may occur in the county.

Gray wolves (*Canis lupus*) may occur in the county.

Grizzly bears (*Ursus arctos* = *U. a. horribilis*) may occur in the county.

Marbled murrelets (*Brachyramphus marmoratus*) occur in the county. Nesting murrelets occur from April 1 through September 15.

Northern spotted owls (*Strix occidentalis caurina*) occur in the county throughout the year.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species.
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project.
3. Impacts from project construction (*i.e.*, habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

Arenaria paludicola (marsh sandwort) may occur in the county.

Castilleja levisecta (golden paintbrush) may occur in the county.

Major concerns that should be addressed in a biological assessment for a listed plant species include:

1. Distribution of the taxon in the project vicinity.
2. Disturbance (trampling, uprooting, collecting, etc.) of individual plants and loss of habitat.
3. Changes in hydrology where the taxon is found.

DESIGNATED

Critical habitat for the northern spotted owl has been designated in King County.

Critical habitat for the marbled murrelet has been designated in King County.

PROPOSED

None

CANDIDATE

Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

Beller's ground beetle (*Agonum belleri*)
California wolverine (*Gulo gulo luteus*)
Cascades frog (*Rana cascadae*)
Hatch's click beetle (*Eanus hatchi*)
Larch Mountain salamander (*Plethodon larselli*)
Long-eared myotis (*Myotis evotis*)
Long-legged myotis (*Myotis volans*)
Northern goshawk (*Accipiter gentilis*)
Northern sea otter (*Enhydra lutris kenyon*)
Northwestern pond turtle (*Emys* (= *Clemmys*) *marmorata marmorata*)
Olive-sided flycatcher (*Contopus cooperi*)
Pacific fisher (*Martes pennanti pacifica*)
Pacific lamprey (*Lampetra tridentata*)
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)
Peregrine falcon (*Falco peregrinus*)
River lamprey (*Lampetra ayresi*)
Tailed frog (*Ascaphus truei*)
Valley silverspot (butterfly) (*Speyeria zerene bremeri*)
Western toad (*Bufo boreas*)
Aster curtus (white-top aster)
Botrychium pedunculatum (stalked moonwort)
Cimicifuga elata (tall bugbane)

ATTACHMENT B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

SECTION 7(a) - Consultation/Conference

- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
 2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
 3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Construction Projects *

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.

G

Nettles, Brian

From: Michael Smith [smithhigdon@comcast.net]
Sent: Tuesday, January 27, 2004 1:59 PM
To: 'Nettles, Brian'
Subject: FW: Surface Transportation Boat Docket No. AB-6 (Sub-No. 407X): The Burlington Northern and Santa Fe Rai

Brian,

For your handling. Thanks.

Mike Smith

-----Original Message-----

From: Crain, Jody [mailto:jcrain@freebornpeters.com]
Sent: Tuesday, January 27, 2004 10:26 AM
To: Michael Smith (E-mail)
Subject: FW: Surface Transportation Boat Docket No. AB-6 (Sub-No. 407X): The Burlington Northern and Santa Fe Rai

-----Original Message-----

From: Pam Erstad [mailto:ERSTAPKE@dfw.wa.gov]
Sent: Monday, January 26, 2004 4:46 PM
To: msmith@freebornpeters.com
Cc: Lori Guggenmos; akel461@ecy.wa.gov; margaret.glowacki@seattle.gov
Subject: Surface Transportation Boat Docket No. AB-6 (Sub-No. 407X): The Burlington Northern and Santa Fe Rai

Mr. Smith,
WDFW received the above-mentioned letter dated January 15, 2004 on January 20, 2004, and has the following comments at this time:

Any abandoned rail ties or other creosote-treated wood products should be removed from the project site and disposed of at an approved upland disposal site due to toxicity effects that treated wood products, especially creosote, have on fish and wildlife.

Thank-you for the opportunity to provide these comments. If you have any questions, please contact me at (425) 379-2306.

H

Freeborn & Peters LLP

November 21, 2003

Joseph K. Buesing, District Mgr.
U.S. Department of the Interior
Bureau of Land Management
1103 Fancher
Spokane, WA 99212-1275

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Re: *The Burlington Northern and Santa Fe Railway Company Abandonment of Seattle, Washington*

Dear Mr. Buesing:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 336 feet of railroad line between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, Washington.

As part of the environmental report BNSF needs to know whether or not there are any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur as a result of the abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information as soon as possible. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Chicago

Springfield



Freeborn & Peters LLP

November 21, 2003

Washington State Parks and Recreation Commission
7150 Cleanwater Lane
P.O. Box 42650
Olympia, WA 98504-2650

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Seattle, Washington***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 336 feet of railroad line between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, Washington.

As part of the environmental report BNSF needs to know whether or not there are any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur as a result of the abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information as soon as possible. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

J



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

December 11, 2003

Mr. Brian Nettles, Paralegal
Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

RE: Exclusion for Coverage under General Stormwater Permit Associated with Construction

Project: The Burlington Northern & Santa Fe Railway Company Track Abandonment

The Washington Department of Ecology has reviewed your November 21, 2003 letter regarding the abandonment of 336 feet of railroad line between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, King County, Washington.

This letter serves to notify you that Ecology has determined that the subject project is exempt from permit coverage based on the following:

At this time, Ecology is not requiring construction projects with less than five acres of disturbed area to obtain permit coverage.

As a reminder, even though the project is excluded from coverage under the general stormwater permit for construction, BNSF is still required to comply with Water Quality Standards. (Your letter clarifies it is not anticipated that placement of dredge or fill material will occur in any inland waterways.)

If you wish to discuss the management of stormwater for the project, please contact Ron Devitt, of Ecology's Northwest Regional Office in Bellevue, at (425) 649-7028.

For questions relating to this letter, please contact me at (360) 407-6437.

Sincerely,

Linda M. Matlock
Environmental Specialist
Stormwater Unit - Construction
Water Quality Program

Cc: Ron Devitt, Ecology, NWRO



K

Freeborn & Peters LLP

November 21, 2003

Jack Gossett
U.S. Army Corps of Engineers
Seattle District
P.O. Box 3755
4735 East Marginal Way South
Seattle, Washington 98124-3755

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of the Seattle, Washington Trackage***

Dear Mr. Gossett:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 336 feet of railroad line between Engineering Station 87 + 62 and Engineering Station 84 + 26 in Seattle, Washington.

As part of the environmental report BNSF needs to know whether or not Section 404 permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

L



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

December 15, 2003

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Re: The Burlington Northern and Santa Fe Railway Co. Abandonment of Seattle, WA

Mr. Nettles:

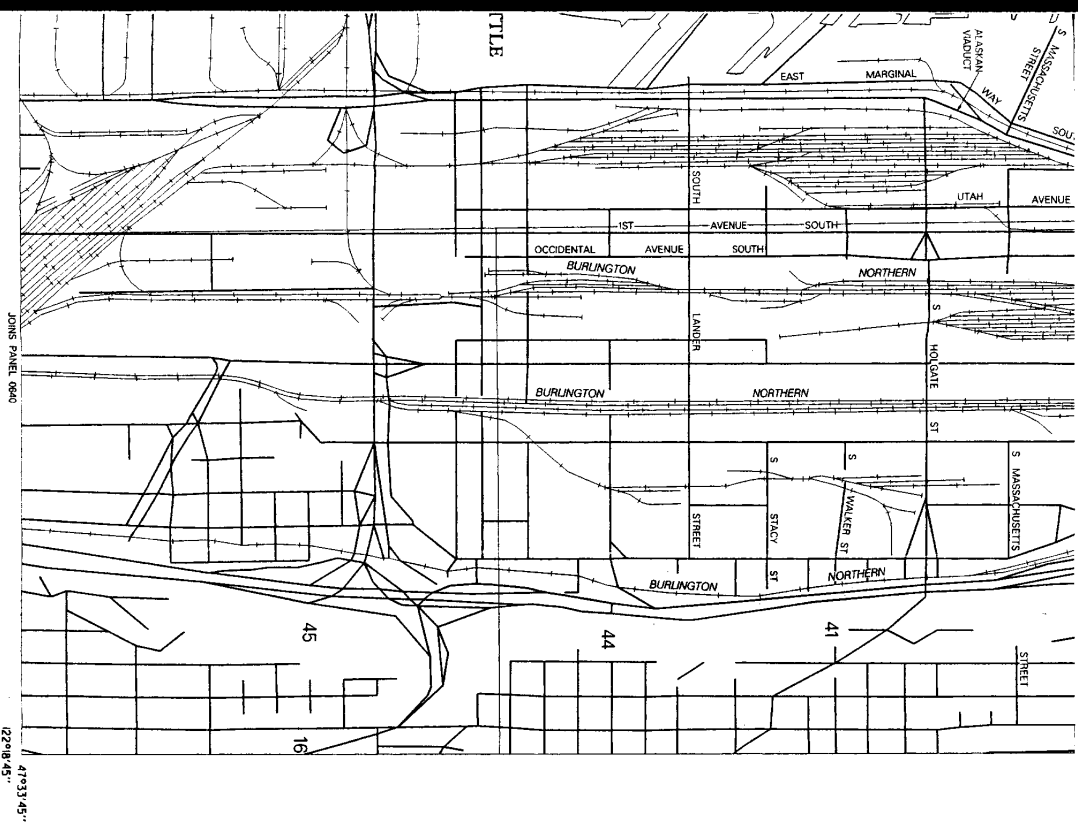
I have reviewed the FEMA Flood Issuance Rate Map (FIRM) panel 630 of 1725, Map Number 53033C0630 F dated May 16, 1995 to determine if area identified on the site map you provide is located in the 100-year floodplain (*see enclosure*). According to our records it is not. It is located within a Zone X. A Zone X is identified as "*Areas determined to be outside 500-year floodplain.*"

Should you have any questions please give me a call at (206) 733-9817.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Kriable", with a long horizontal flourish extending to the right.

Robert Kriable, PWS
Senior Ecologist



EFFECTIVE DATE OF
COUNTY FLOOD INSURANCE RATE MAP:
SEPTEMBER 23, 1989
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL:
Revised May 16, 1995 to update map format.

To determine if flood insurance is available, contact an insurance agent or
call the National Flood Insurance Program at (800) 638-6620.



APPROXIMATE SCALE IN FEET
1000
0
1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP
KING COUNTY,
WASHINGTON, AND
INCORPORATED AREAS

PANEL 630 OF 1725
(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:	NUMBER	PANEL	SHEET
KING COUNTY	53033	0630	F
WASHINGTON	53033	0630	F
INCORPORATED AREAS	53033	0630	F

MAP NUMBER
53033C0630 F
MAP REVISED:
MAY 16, 1995



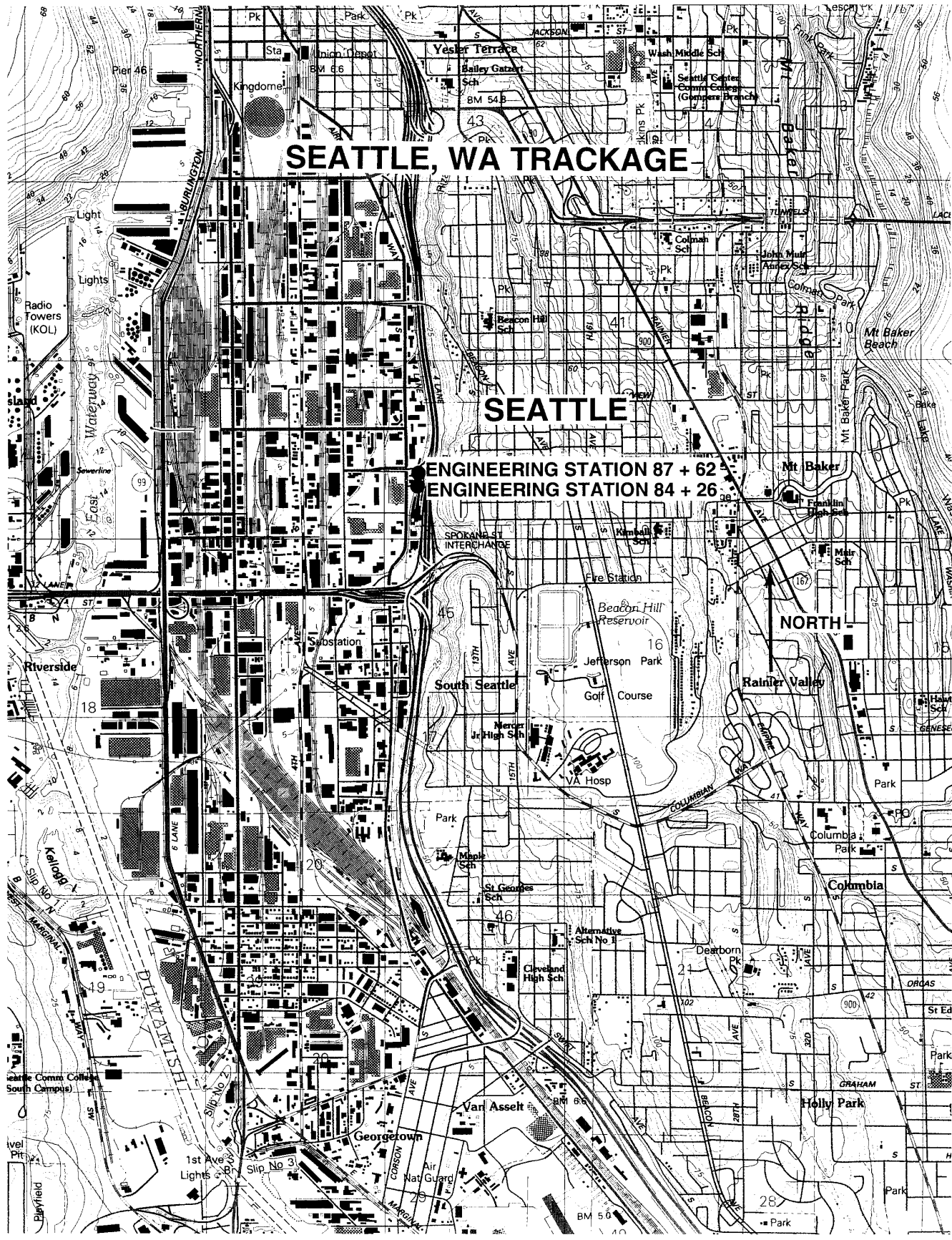
Federal Emergency Management Agency

SEATTLE, WA TRACKAGE

SEATTLE

ENGINEERING STATION 87 + 62
ENGINEERING STATION 84 + 26

NORTH



M



STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT
Office of Archaeology and Historic Preservation
1063 S. Capitol Way, Suite 106 - Olympia, Washington 98501
(Mailing Address) PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 Fax Number (360) 586-3067

December 23, 2003

Mr. Brian Nettles
Attorney at Law
Freeborn and Peters
311 S. Wacker Drive
Chicago, IL 60606-6677

In future correspondence please refer to:
Log: 122303-03-KI
Property: BNSF abandonment of rail spur
Re: No Historic Properties Affected

Dear Mr. Nettles:

Thank you for contacting the Washington State Office of Archaeology and Historic Preservation (OAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. My review is based upon documentation contained in your communication.

We concur that no historic properties will be affected by the current project as proposed. If additional information on the project becomes available, or if any archaeological resources are uncovered during construction, please halt work in the area of discovery and contact the appropriate Native American Tribes and OAHP for further consultation.

Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

Sincerely,

Russell Holter
Preservation Design Reviewer
(360) 586-3533
russellh@cted.wa.gov